



Wednesday, June 6, 2018
Minutes of the Regular Meeting of the City Council
of the City of Palm Springs

CALL TO ORDER

A Regular Meeting of the Palm Springs City Council was called to order by Mayor Moon on Wednesday, June 6, 2018, at 6:08 p.m., in the Council Chamber, City Hall, located at 3200 E. Tahquitz Canyon Way, Palm Springs, California.

PLEDGE OF ALLEGIANCE

Mayor Moon led the Pledge of Allegiance.

ROLL CALL

Present: Councilmembers Christy Holstege, Geoff Kors, Lisa Middleton; Mayor Pro Tem J.R. Roberts; and Mayor Robert Moon.

City Staff

Present: David H. Ready, City Manager; Edward Z. Kotkin, City Attorney; Marcus Fuller, Assistant City Manager; and Anthony J. Mejia, City Clerk, were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

PRESENTATIONS

Jennifer Cusack, Government Relations Manager for Southern California Edison (SCE), presented information on ways to contact SCE to obtain information on outages, streetlight repairs, and account management.

Nancy Stuart, Vice Chair of the Board of the Mount San Jacinto Winter Park Authority, provided an update on the activities of the Palm Springs Aerial Tramway.

ACCEPTANCE OF THE AGENDA

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to accept the agenda, with the removal of Item No. 1E, 1H, 1J, 1O, 1V, and 1W from the agenda.

REPORT OF CLOSED SESSION

The Regular Closed Session of the City Council of June 6, 2018, was called to order by Mayor Moon at 4:00 p.m., with all members present.

The meeting convened into Closed Session to discuss the following items as listed on the Regular Closed Session Meeting Agenda:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Pursuant to Government Code Section 54956.9(d)(1):

4348 Lockwood Ave LLC et al v. City of Palm Springs
Case No. RIC1703102, Riverside Superior Court, Riverside Division

Ronald Smith et al v. Alta Verde Sereno, LLC
Case No. PSC1606441, Riverside Superior Court, Palm Springs Division

City of Palm Springs v. O & M HR, LLC, et al.
Case No. RIC1703102, Riverside Superior Court, Palm Springs Division

City of Palm Springs v. Miggy’s Cantina, LLC
Case No. PSC1600359, Riverside Superior Court, Palm Springs Division

CONFERENCE WITH LEGAL COUNSEL – EXPOSURE TO LITIGATION, Pursuant to Government Code Section 54956.9(d)(2):

Number of Cases: 9

Including one (1) Case Re: Tamarisk Tree Removal, Lawrence Crossley Neighborhood

Including one (1) Case Re: Setback Issues, St. Baristo Project (northeast corner of Baristo Road and Lugo Road) Threat of Litigation by Attorney Babak Naficy, Esq.

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Pursuant to Government Code Section 54956.9(d)(4):

Number of Cases: 4

PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Pursuant to Government Code Section 54957(b)(1):

Title: City Manager
City Attorney

CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Pursuant to Government Code Section 54956.8:

Property Address/Description: 980 E. Tahquitz Canyon Way, APN 508-056-010
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: Palm Springs Unified School District; Sandra Lyon, Superintendent
Under Negotiation: Price and Terms of Payment (Lease)

Property Address/Description: 4449 N. Indian Canyon Dr., APN 669-330-047
 Agency: City of Palm Springs
 City Negotiator: David H. Ready, City Manager or Designee
 Negotiating Parties: Desert Community College District
 Under Negotiation: Price and Terms of Payment (Acquisition)

Property Address/Description: 342-344 North Palm Canyon Drive
 Agency: City of Palm Springs as Successor Agency to RDA
 City Negotiator: David Ready, City Manager or Designee
 Negotiating Parties: C. Harold Keasler Trust and James Edward Murphy Trust
 Under Negotiation: Price and Terms of Payment (Sale)

Property Address/Description: 233 W. Tramview Road APN 669-401-039
 Agency: City of Palm Springs as Housing Successor
 City Negotiator: David Ready, City Manager or Designee
 Negotiating Parties: Million Plus, LLC (Chris Saunders)
 Under Negotiation: Price and Terms of Payment (Sale)

Property Address/Description: Lot 38 El Dorado Road APN 669-401-010
 Agency: City of Palm Springs as Housing Successor
 City Negotiator: David Ready, City Manager or Designee
 Negotiating Parties: Million Plus, LLC (Chris Saunders)
 Under Negotiation: Price and Terms of Payment (Sale)

Property Address/Description: 3.6 Acres at SE corner of Indian Canyon Drive and Rafael Road APN 501-031-028
 Agency: City of Palm Springs as Housing Successor
 City Negotiator: David Ready, City Manager or Designee
 Negotiating Parties: Community Housing Opportunities Corporation CHOC)
 Under Negotiation: Price and Terms of Payment (Acquisition)

CONFERENCE WITH LABOR NEGOTIATOR, Pursuant to Government Code Section 54957.6:

Agency Designated
 Representatives: City Manager David Ready and Attorney Peter Brown

Employee Organizations: Management Association of Palm Springs
 Palm Springs Fire Safety
 Palm Springs Fire Management
 Palm Springs Police Management Association
 Palm Springs Police Officers Association
 Service Employees International Union Local 721

City Attorney Kotkin reported that the City Council received briefings and provided direction to staff regarding the agendaized Closed Session Items, but did not take any reportable action; noted that Councilmember Holstege recused herself regarding property negotiations for 342-344 North Palm Canyon Drive; advised that Mayor Moon and City Manager Ready recused themselves on one matter of initiation of litigation and the Lockwood litigation, respectively.

PUBLIC TESTIMONY

Jennifer Hamilton, speaking on Item 1L, urged the City Council to adopted the proposed ordinance.

Joy Brown Meredith speaking on Item Nos. 1L and 1X, voiced support for the adoption of the proposed ordinance and addendum to the tourism and management services agreement with SMG.

Les Young and Frank Alvarez, speaking on Item 1R, urged the City Council to move forward with interviews for the Parks and Recreation Commission vacancies.

The following individuals spoke in opposition to Item No. 5A, related to the Walk of Stars Program, opining that the City should maintain the existing agreement with the Palm Springs Walk of Stars Organization:

Tony Aguilar

Bill Beck

Dr. Sharron Stroud

David Miller

Robert Alexander, President of Palm Springs
Walk of Stars

John Bolivar, Palm Spring Walk of Stars
Board Member

Audrey Rattan

Linda Chapman Henry

Allen Worthy

The following individuals spoke in support of Item No. 5A, related to the Walk of Stars Program, opining that the City should move forward with the proposed agreement with the Chamber of Commerce:

Nona Watson, CEO of Palm Springs Chamber of Commerce

Jenny McClain, President of Palm Springs Chamber of Commerce

Dan Gore

The following individuals spoke in support of Item No. 5C, the selection of 100% carbon free option under the Desert Community Energy Program:

David Freedman, Sustainability Commissioner

Joy Silver

Ellen O'Rourke

The following individuals spoke in support of Item No. 5E, related to the Innovation Hub and Accelerator Campus:

John McMullin, representing the Coachella Valley Economic Partnership

Edgar Mueller, Advanced American Supply

John Stiles

Thomas Hernandez, speaking on Item 5F, urged the City Council to support Assembly Bill 2439, establishing an official State LGBTQ Veterans Memorial.

CITY COUNCIL, SUBCOMMITTEE, AND CITY MANAGER'S COMMENTS AND REPORTS

Mayor Pro Tem Roberts reported on the results of Measure C, noting his commitment to refining the vacation rental ordinance; summarized the activities of the Downtown Park Subcommittee, noting that the park design is ahead of schedule.

Councilmember Kors invited the community to attend upcoming events related to the districting process; advised that the Business Retention Subcommittee is working on the development of a marketing campaign for local businesses; noted complaints from downtown businesses related to trash and recycling bins.

Councilmember Holstege requested that the webpages on districting be translated into Spanish; requested that the City Council consider rescheduling certain City Council meeting dates so that Councilmembers may attend the National League of Cities Annual Conference in Los Angeles; provided an update on the Sponsorships and Program Grants and City Council Code of Conduct; advised that the Homelessness Subcommittee is working to secure a facility for respite care for the homeless; requested that the School District's proposal on cannabis education be agendized for June 20, 2019.

Councilmember Middleton advised that deferral of appointments to Boards and Commissions would allow the City to conduct enhanced recruitment during the districting meetings; requested that the Sunline proposal to resume the Buzz Trolley be agendized for June 20, 2018; reported on recent discussions with the Riverside County Transportation Commission regarding rail service; advised that the Neighborhoods USA Conference will be held in Palm Springs in 2019.

In response to City Council inquiry, City Manager Ready advised that staff will update the City Council on the removal of the tamarisk trees and properties subject to the City's new vacant building ordinance at upcoming meetings.

1. CONSENT CALENDAR

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to approve the Consent Calendar, with the removal of Item Nos. 1E, 1H, 1J, 1O, 1V, and 1W.

A. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR CLASS 1 HISTORIC SITE LOCATED AT 1754 SOUTH ARABY DRIVE, HSPB 103/HD-6

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to:

1. Approve a Mills Act Historic Property Agreement with Leo S. Spiegel and Park Imperial South Homeowners Association, for 1754 S Araby Drive, a Class 1 Historic Site, HSPB 103/HD-6. A7151.
2. Authorize the City Manager to execute the Agreement.
3. Direct the City Clerk to record the Agreement.

B. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR A CLASS 1 HISTORIC SITE LOCATED AT 1844 S BARONA ROAD, HSPB 93/HD-5

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to:

1. Approve a Mills Act Historic Property Agreement with Shaun Grover and Sandcliff Homeowners Association, for 1844 S Barona Road, a Class 1 Historic Site, HSPB 93/HD-5. A7152.
2. Authorize the City Manager to execute the Agreement.
3. Direct the City Clerk to record the Agreement.

C. RATIFY AND REAPPOINT THE NOMINATION OF THE CITY OF PALM DESERT TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JUNE 30, 2021

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to reappoint Rolf Hoehn, as the City of Palm Desert representative, to the Palm Springs International Airport Commission for the term ending June 30, 2021.

D. APPROVAL OF TIME EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT FOR TM 33161, “VISTA SAN JACINTO”

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to adopt Resolution No. 24423 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING TIME EXTENSION OF THE SUBDIVISION IMPROVEMENT AGREEMENT FOR TM 33161, “VISTA SAN JACINTO.”

E. REQUEST BY PALM SPRINGS CULTURAL CENTER FOR A TEMPORARY ART MURAL ON THE REAR (WEST) ELEVATION OF THE PALM SPRINGS CULTURAL CENTER BUILDING LOCATED AT 2300 E. BARISTO ROAD, CASE 18-002 MUR

This item was excluded from the Consent Calendar. Please refer to Page 11 of these minutes for a summary of that action.

F. AMENDMENT NO. 4 TO AGREEMENT NO. A6288 WITH NBS GOVERNMENT FINANCE GROUP FOR ASSESSMENT DISTRICT, LIGHTING & LANDSCAPE MAINTENANCE DISTRICT, COMMUNITY FACILITIES DISTRICT, AND COUNTY SERVICE AREA AUDIT AND ADMINISTRATION SERVICES

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to:

1. Approve Amendment No. 4 to Agreement No. A6288 with NBS Government Finance Group, extending the contract term for one year through June 30, 2019, leaving all other terms of the agreement unchanged.
2. Authorize the City Manager to execute all necessary documents.

G. ACCEPTANCE OF DONATION FROM THE AGUA CALIENTE BAND OF CAHUILLA INDIANS IN THE AMOUNT OF \$25,000 FOR THE PURCHASE OF A LICENSE PLATE RECOGNITION SYSTEM (LPR) AND ACCESS TO LAW ENFORCEMENT SHARING NETWORK

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to:

1. Approve the acceptance of a donation award from the Agua Caliente Band of Cahuilla Indians in the amount of \$25,000 for the purchase of a License Plate Recognition System and access to law enforcement sharing network.
2. Authorize the City Manager to execute any necessary documents to effectuate the purchase.

H. ACCEPTANCE OF THE SB 821 MISSING LINK SIDEWALKS, CP 15-23

This item was excluded from the Consent Calendar. Please refer to Page 13 of these minutes for a summary of that action.

I. PROPOSED RESOLUTION DECLARING ITS INTENTION TO LEVY ASSESSMENTS FUNDING THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT AND SETTING A TIME AND PLACE FOR THE PUBLIC HEARING

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to:

1. Adopt Resolution No. 24425 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO LEVY ASSESSMENTS FUNDING THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT, AND SETTING A TIME AND PLACE FOR THE PUBLIC HEARING."
2. Direct the City Clerk to give notice as required by law.

J. CONSIDER ADOPTION OF A RESOLUTION OPPOSING REPEAL OF 'THE ROAD REPAIR AND ACCOUNTABILITY ACT' (SB 1 – BEAL), AND APPROVAL TO JOIN THE COALITION TO PROTECT LOCAL TRANSPORTATION IMPROVEMENTS

This item was excluded from the Consent Calendar. Please refer to Page 12 of these minutes for a summary of that action.

K. SECOND READING AND ADOPTION OF ORDINANCE NO. 1957 OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE PALM SPRINGS ZONING CODE (PSZC) TO ALLOW ADMINISTRATIVE APPROVAL OF AGRICULTURAL STRUCTURES IN THE E-I (ENERGY INDUSTRIAL) ZONE AND THE M-2 (MANUFACTURING) ZONE, CASE 5.1442 ZTA

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to adopt Ordinance No. 1957 “AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 91.00.10 AND 94.04.00 OF THE PALM SPRINGS MUNICIPAL CODE TO ALLOW ADMINISTRATIVE APPROVAL OF AGRICULTURAL STRUCTURES IN THE E-I (ENERGY INDUSTRIAL) AND M-2 (MANUFACTURING) ZONES, CASE 5.1442 ZTA.”

L. SECOND READING AND ADOPTION OF ORDINANCE NO. 1958 OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE PALM SPRINGS ZONING CODE (PSZC) TO ALLOW GROCERY STORES IN THE CBD (CENTRAL BUSINESS DISTRICT) ZONE AND TO PROVIDE FOR OTHER MINOR MODIFICATIONS TO THE LIST OF PERMITTED USES, CASE 5.1443 ZTA

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to adopt Ordinance No. 1958 “AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PALM SPRINGS ZONING CODE SECTIONS 91.00.10, 92.09.01, AND 92.09.02 TO ALLOW GROCERY STORES WITHIN THE CBD (CENTRAL BUSINESS DISTRICT) ZONE AND TO PROVIDE FOR OTHER MINOR MODIFICATIONS AND CORRECTIONS, CASE 5.1443 ZTA.”

M. APPROVE PROCUREMENT OF KACE SYSTEMS MANAGEMENT APPLIANCE

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to:

1. Approve the purchase of KACE Systems Management Appliance including licensing, support, remote training and assisted installation in an amount not- to-exceed \$27,028, inclusive of all applicable taxes and fees, utilizing the National Association of State Procurement Officials (NASPO) ValuePoint national cooperative purchase contract MNWNC-108/7157034003 from Dell.
2. Authorize the City Manager to execute all necessary documents.

N. 2018 BIENNIAL NOTICE FOR CITY STAFF TO REVIEW THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to adopt Resolution No. 24427 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUIRING CITY STAFF TO REVIEW THE CONFLICT OF INTEREST CODE AND SUBMIT THE 2018 BIENNIAL NOTICE AS REQUIRED UNDER THE POLITICAL REFORM ACT."

O. ADOPT A RESOLUTION SUPPORTING PROPOSITION 68, THE CALIFORNIA DROUGHT, WATER, PARKS, CLIMATE, COASTAL PROTECTION, AND OUTDOOR ACCESS FOR ALL ACT OF 2018

This item was excluded from the Consent Calendar. Please refer to Page 12 of these minutes for a summary of that action.

P. DESIGNATION OF A PORTION OF MARION WAY AS PUBLIC RIGHT-OF- WAY

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to adopt Resolution No. 24429 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARATION OF A PORTION OF PROPERTY AS PUBLIC RIGHT-OF-WAY FOR MARION WAY, IN SECTION 26, TOWNSHIP 4 SOUTH, RANGE 4 EAST."

Q. APPROVAL OF A CONSULTANT SERVICES AGREEMENT WITH DATA TICKET, INC., FOR SERVICES RELATED TO ADMINISTRATIVE CITATION PROCESSING AND COLLECTION SERVICES

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to:

1. Approve a Consultant Services Agreement with Data Ticket, Inc., a California corporation, in an annual amount not to exceed \$50,000 for administrative citation processing and collection services with an initial term of three years, with two optional one-year extensions. A5679.
2. Authorize the City Manager to execute all necessary documents.

R. DEFERRAL OF MAKING APPOINTMENTS TO BOARDS AND COMMISSIONS WHERE TERMS WERE SET TO EXPIRE ON JUNE 30, 2018

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to defer taking action on appointments for Boards and Commissions where terms were set to expire on June 30, 2018, and conduct interviews and make appointments to commence on January 1, 2019, as outlined in this staff report.

S. APPROVAL OF AN ONLINE SERVICES AGREEMENT WITH NEOGOV FOR TALENT MANAGEMENT SOFTWARE SYSTEM SERVICES FOR THE HUMAN RESOURCE DEPARTMENT

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to:

1. Approve an Online Services Agreement with GovernmentJobs.com, Inc., a California corporation, dba NeoGov, for human resources support and training services in the annual amount not to exceed \$50,000 subject to automatic renewals on an annual basis. A7016.
2. Authorize the City Manager to execute all necessary documents.

T. ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS, FISCAL YEAR 2018- 19

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to:

1. Adopt Resolution No. 24430 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE PREPARATION OF AND GIVING PRELIMINARY APPROVAL OF THE ENGINEER’S REPORT REGARDING STREET LIGHTING MAINTENANCE DISTRICT NO. 3, AND PARKWAY MAINTENANCE DISTRICTS NO. 6A, 6C, 7, 8, 9, AND 10 (ZONES 1 AND 2), AND LANDSCAPE MAINTENANCE DISTRICT NO. 12, TO ESTABLISH ANNUAL ASSESSMENTS AND THE LEVY AND COLLECTION RELATED THERETO FOR FISCAL YEAR 2018- 19.”
2. Adopt Resolution No. 24431 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON JULY 11, 2018, REGARDING STREET LIGHTING MAINTENANCE DISTRICT NO. 3, AND PARKWAY MAINTENANCE DISTRICTS NO. 6A, 6C, 7, 8, 9, AND 10 (ZONES 1 AND 2), AND LANDSCAPE MAINTENANCE DISTRICT NO. 12, AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2018-19.”

U. ADOPT THE CALTRANS POLICIES AND PROCEDURES OUTLINED IN LOCAL ASSISTANCE PROCEDURES MANUAL, CHAPTER 10 FOR ADMINISTERING FEDERALLY FUNDED CAPITAL PROJECTS

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to adopt Resolution No. 24432 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE CALTRANS POLICIES AND PROCEDURES OUTLINED IN LOCAL ASSISTANCE PROCEDURES MANUAL, CHAPTER 10 FOR ADMINISTERING FEDERALLY FUNDED CAPITAL PROJECTS."

V. APPROVAL OF MINUTES

This item was excluded from the Consent Calendar. Please refer to Page 13 of these minutes for a summary of that action.

W. APPROVAL OF A PRODUCT AND SERVICES AGREEMENT WITH ACTIVE NETWORK, LLC, FOR WEB BASED REGISTRATION FOR RECREATION PROGRAMS AND FACILITY RENTALS

This item was excluded from the Consent Calendar. Please refer to Page 13 of these minutes for a summary of that action.

X. APPROVE AN ADDENDUM TO THE TOURISM AND MANAGEMENT SERVICES AGREEMENT WITH SMG

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to:

1. Approve an Addendum to the Tourism and Management Services Agreement with SMG extending the Agreement until December 31, 2018. A6410.
2. Extend the sunset date of the City Council Ad-Hoc Subcommittee for the Convention Center Tourism and Management Services Agreement until January 30, 2019.

EXCLUDED CONSENT CALENDAR

E. REQUEST BY PALM SPRINGS CULTURAL CENTER FOR A TEMPORARY ART MURAL ON THE REAR (WEST) ELEVATION OF THE PALM SPRINGS CULTURAL CENTER BUILDING LOCATED AT 2300 E. BARISTO ROAD, CASE 18-002 MUR

In response to City Council inquiry, Director of Planning Services Fagg and City Attorney Kotkin advised that discussion regarding public noticing of property owners and tenants will be agendized for the Public Integrity Subcommittee and the City Council at upcoming meetings.

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to adopt Resolution No. 24424 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A TEMPORARY ART MURAL ON THE REAR (WEST) ELEVATION OF THE PALM SPRINGS CULTURAL CENTER BUILDING LOCATED AT 2300 E. BARISTO ROAD, CASE 18-002 MUR.”

H. ACCEPTANCE OF THE SB 821 MISSING LINK SIDEWALKS, CP 15-23

Following clarification, MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to:

1. Accept the public works improvement identified as the SB 821 Missing Link Sidewalks Project as completed in accordance with the plans and specifications, CP 15-23. A7022.
2. Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the SB 821 Missing Link Sidewalks Project, CP 15-23.

J. CONSIDERATION TO ADOPT A RESOLUTION OPPOSING REPEAL OF 'THE ROAD REPAIR AND ACCOUNTABILITY ACT' (SB 1 – BEAL), AND APPROVAL TO JOIN THE COALITION TO PROTECT LOCAL TRANSPORTATION IMPROVEMENTS

Councilmember Middleton spoke on the importance of SB 1 and the impact to local transportation projects, if the gas tax is repealed.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to adopt Resolution No. 24426 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OPPOSING 'THE ROAD REPAIR AND ACCOUNTABILITY ACT' (SB 1 – BEAL) REPEAL, AND APPROVAL TO JOIN THE COALITION TO PROTECT LOCAL TRANSPORTATION IMPROVEMENTS.”

O. ADOPT A RESOLUTION SUPPORTING PROPOSITION 68, THE CALIFORNIA DROUGHT, WATER, PARKS, CLIMATE, COASTAL PROTECTION, AND OUTDOOR ACCESS FOR ALL ACT OF 2018

Councilmember Middleton spoke on the benefits of Proposition 68, which includes funding for the Salton Sea restoration.

Councilmember Holstege encouraged staff to seek grant funding.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to adopt Resolution No. 24428 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS SUPPORT FOR PROPOSITION 68, THE CALIFORNIA DROUGHT, WATER, PARKS, CLIMATE, COASTAL PROTECTION, AND OUTDOOR ACCESS FOR ALL ACT OF 2018.”

V. APPROVAL OF MINUTES

Councilmember Kors requested tabling the matter to make corrections to the minutes of March 21, 2018.

MOTION BY COUNCILMEMBER KORS, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to table the City Council Meeting Minutes of March 21, 2018.

W. APPROVAL OF A PRODUCT AND SERVICES AGREEMENT WITH ACTIVE NETWORK, LLC, FOR WEB BASED REGISTRATION FOR RECREATION PROGRAMS AND FACILITY RENTALS

Councilmember Kors requested that the contract be modified to include the standard non-discrimination provision.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to:

1. Approve a Product and Services Agreement (Contract #00100315) with Active Network, LLC, a Delaware limited liability company, in an annual amount not to exceed \$24,000 for online web-hosting services related to registration for recreation programs and facility rentals, with a term of five (5) years, as amended. A6585.
2. Authorize the City Manager to execute all documents.

2. PUBLIC HEARINGS**A. PROPOSED RESOLUTION TO PLACE DELINQUENT WASTE DISPOSAL CHARGES ON THE RIVERSIDE COUNTY TAX ROLLS FOR COLLECTION**

Director of Engineering Garcia presented staff report.

Mayor Moon opened the Public Hearing. There being on one wishing to speak, Mayor Moon closed the Public Hearing.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to adopt Resolution No. 24433 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING CERTAIN WASTE DISPOSAL ACCOUNTS TO BE DELINQUENT AND DIRECTING THE PLACEMENT OF THESE ACCOUNTS ON THE COUNTY PROPERTY TAX ROLLS FOR COLLECTION."

MEETING RECESSED AND RECONVENED

The City Council recessed at 8:02 p.m. and reconvened at 8:13 p.m., with all members present.

B. PUBLIC HEARING AND ADOPTION OF THE FISCAL YEAR 2018-19 BUDGET, ALLOCATED POSITIONS AND COMPENSATION PLAN, SUCCESSOR AGENCY ADMINISTRATIVE BUDGET, HOUSING SUCCESSOR AGENCY BUDGET, APPROPRIATIONS LIMIT, AND INVESTMENT POLICY

City Manager Ready presented the staff report.

In response to City Council inquiry, City Manager Ready advised that the School District will provide additional information regarding the proposed cannabis education program, prior to implementing the program.

In response to City Council inquiries, Director of Engineering Garcia advised that staff will seek alternative funding sources for the Hot Spots Project. City Manager Ready noted that administrative costs appear to have increased due to transitioning legal services in-house and new accounting requirements for pension liabilities.

Mayor Moon opened the Public Hearing.

Darrell Terrell, recommended that the City Council consider priority-based budgeting and a biennial budget.

There being no others wishing to speak, Mayor Moon closed the Public Hearing.

Councilmember Kors noted that the recreation program fees will be evaluated by the Parks and Recreation Commission, prior to final approval by the City Council.

Councilmember Holstege requested that staff and the Measure J Oversight Commission develop a comprehensive Capital Improvement Plan for Measure J funding; opined that the City Council needs additional staff support, suggesting the hiring of an additional Executive Assistant.

Mayor Moon suggested hiring of a temporary or hourly employee to assist the Public Arts Commission rather than a regular part-time position; opined that the School District should seek funding from the State for a cannabis education program; requested that staff develop cost estimates for the General Plan update.

Mayor Moon and Mayor Pro Tem Roberts agreed to serve on an Ad Hoc Subcommittee to review and consolidate the report on facility maintenance.

Councilmember Kors confirmed Council will vote on the Investment Policy and agreed with Councilmember Middleton about being clear the City will not invest in firms that manufacture or distribute guns.

Councilmembers Middleton and Kors requested that the Social Responsibility Policy be amended to reflect that the City will not invest in any firm that manufactures or distributes guns. Mayor Moon adding “gun/ammunition manufacturing or distribution companies.”

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to:

1. Adopt Resolution No. 24434 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2018-19."
2. Adopt Resolution No. 24435 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE BUDGET FOR FISCAL YEAR 2018-19 AND OTHER SUCH MATTERS AS REQUIRED."
3. Adopt Resolution No. 24436 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS THE SUCCESSOR AGENCY TO THE CITY OF PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY, AND IN ITS CAPACITY AS THE HOUSING SUCCESSOR AGENCY TO THE CITY OF PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY, APPROVING THE SUCCESSOR AGENCY BUDGET FOR FISCAL YEAR 2018-19, AND OTHER SUCH MATTERS AS REQUIRED."
4. Adopt Resolution No. 24437 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN APPROPRIATIONS LIMIT FOR THE FISCAL YEAR ENDING JUNE 30, 2019."
5. Adopt Resolution No. 24438 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN INVESTMENT POLICY GOVERNING THE INVESTMENT OF CITY FUNDS AND SUPERSEDING RESOLUTION NO. 24241," as amended to state that the City shall not invest in gun/ammunition manufacturing or distribution companies.
6. Direct the City Manager and Director of Finance and Treasurer to make the appropriate modifications to the Budget and prepare the final budget document for Fiscal Year 2018-19.

3. LEGISLATIVE

None.

4. UNFINISHED BUSINESS

None.

5. NEW BUSINESS**A. APPROVAL OF A CONTRACT SERVICES AGREEMENT WITH THE PALM SPRINGS CHAMBER OF COMMERCE FOR ADMINISTRATION OF THE PALM SPRINGS WALK OF STARS PROGRAM**

Mayor Moon and Mayor Pro Tem Roberts presented the Subcommittee's report; opined that the Chamber of Commerce is qualified to manage the program; noted that the proceeds will help fund local special events, parades, and other community programs.

Councilmember Middleton expressed support for the proposal, opining that no Councilmember should influence the selection process.

Councilmember Holstege noted that the City Council has a responsibility to ensure that the proceeds are being utilized appropriate, highlighting that the stars are placed in the City's limited sidewalk space.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to:

1. Approve a Contract Services Agreement with the Palm Springs Chamber of Commerce, a California non-profit corporation, for administration of the Palm Springs Walk of Stars Program, effective June 5, 2018, for a term of three (3) years, with two (2), one-year (1) optional extensions, through June 30, 2023. A7153.
2. Authorize the City Manager to reimburse the Palm Springs Chamber of Commerce, a California non-profit corporation, for certain first-year Palm Springs Walk of Stars Program expenditures, in an amount not to exceed \$25,000.
3. Establish a City Council Walk of Stars Standing Subcommittee to replace the existing Ad-Hoc Subcommittee, delegated with authority to provide oversight of the Palm Springs Walk of Stars Program throughout the duration of the Agreement.
4. Accept the irrevocable offer of dedication of the existing "Stars" from the Palm Springs Walk of Stars, a California nonprofit organization, to the City of Palm Springs, pursuant to Section 2.3 of that certain License Agreement, Agreement No. A4981.
5. Authorize the City Manager to execute all necessary documents.

B. ADOPTION OF A RESOLUTION DECLARING A LOCAL EMERGENCY IN ACCORDANCE WITH PUBLIC CONTRACT CODE SECTION 20168, AUTHORIZING AWARD OF A CONSTRUCTION CONTRACT TO D.W. JOHNSTON CONSTRUCTION, INC., IN THE AMOUNT OF \$332,319 IN ACCORDANCE WITH PUBLIC CONTRACT CODE SECTION 22050 AND PALM SPRINGS MUNICIPAL CODE SECTION 7.04.040; AND FINDING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA, CORNELIA WHITE HOUSE EXTERIOR REPAIRS, CP 15-16

City Manager Ready presented the staff report.

Mayor Pro Tem Roberts pointed out that the project costs have significantly decreased because the contractor has offered to provide some work and materials in-kind.

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to:

1. Adopt Resolution No. 24439 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING A LOCAL EMERGENCY PURSUANT TO SECTION 20168 OF THE CALIFORNIA PUBLIC CONTRACT CODE, PALM SPRINGS MUNICIPAL CODE SECTION 7.04.040, AND CITY CHARTER SECTION 300; AWARDING A CONSTRUCTION CONTRACT TO D.W. JOHNSTON CONSTRUCTION, INC., WITHOUT COMPETITIVE SOLICITATION FOR BIDS PURSUANT TO SECTION 22050 OF THE CALIFORNIA PUBLIC CONTRACT CODE, AS NECESSARY TO IMMEDIATELY PRESERVE AND RESTORE THE CORNELIA WHITE HOUSE; AND DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA.”
2. Appropriate an additional amount of \$100,500 from available Measure J Capital Fund contingency in Account 260-4500-50000 for the Cornelia White House Exterior Repairs, CP 15-16.
3. Award a construction contract to D.W. Johnston Construction, Inc., a California corporation, in the amount of \$332,319 for the Cornelia White House Exterior Repairs, CP 15-16. A7154.
4. Delegate authority to the City Manager to approve and execute construction contract change orders up to \$33,232 with all change orders reported to the City Council.
5. Authorize issuance of a Purchase Order in the amount of \$15,500 to This ‘n That Films, a California registered partnership, for documentation and filming of the Cornelia White House Exterior Repairs, CP 15-16.
6. Authorize the City Manager to issue various Purchase Orders and incur expenditures in the cumulative amount of \$50,000 for related project costs, including relocation and storage of furnishings, installation of perimeter fencing and screening, and miscellaneous work.
7. Authorize the City Manager to execute all necessary documents.

C. SELECTION OF THE 100% CARBON FREE OPTION UNDER DESERT COMMUNITY ENERGY'S COMMUNITY CHOICE AGGREGATION PROGRAM

Councilmember Kors narrated a PowerPoint presentation regarding the carbon free options under the Desert Community Energy program; advised that the program would commence on August 1, 2018.

In response to City Council inquiries, Councilmember Kors advised that a reserve fund will help smooth out any future increases in rates; advised that residents can still participate in the energy buyback program; confirmed that the 100% carbon free option does not use new large hydro-power projects.

Director of Economic Development Virata advised that the City may change energy providers and carbon free options in the future.

MOTION BY COUNCILMEMBER KORS, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, upon the commencement of Desert Community Energy Community Choice Aggregation program, select the 100% Carbon-Free option for the City's electricity consumption.

D. APPROVE ANNUAL INSURANCE POLICY RENEWALS FOR THE CITY'S INSURANCE PORTFOLIO FOR FISCAL YEAR 2018-19

City Manager Ready presented the staff report.

Councilmember Holstege recommended that the City consider increasing its insurance coverages in the future. Councilmember Middleton offered to work with staff to review coverage options.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to adopt Resolution No. 24440 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING KEENAN & ASSOCIATES AS THE CITY'S BROKER OF RECORD, TO PURCHASE PROPERTY LIABILITY, EXCESS EARTHQUAKE/FLOOD LIABILITY (DIFFERENCE IN CONDITION), EXCESS LIABILITY, EXCESS WORKERS COMPENSATION, AIRPORT OWNERS AND OPERATORS LIABILITY, VILLAGEFEST LIABILITY, MULTI MEDIA LIABILITY, AIRCRAFT HULL LIABILITY, CRIME/FIDELITY LIABILITY, AND CYBER LIABILITY INSURANCE POLICIES FROM VARIOUS CARRIERS FOR POLICY YEAR 2018-19, EFFECTIVE JULY 1, 2018."

E. AMENDMENT NO.1 TO THE CONSULTING SERVICES AGREEMENT FOR ADMINISTRATIVE AND MANAGEMENT SERVICES OF THE PALM SPRINGS INNOVATION HUB AND ACCELERATOR CAMPUS WITH THE COACHELLA VALLEY ECONOMIC PARTNERSHIP; APPROVE AMENDMENT NO. 2 TO THE LEASE AGREEMENT AT 2901 E. ALEJO ROAD, WITH THE COACHELLA VALLEY ECONOMIC PARTNERSHIP; AND APPROVE \$125,000 GENERAL MEMBERSHIP FUNDING FOR THE COACHELLA VALLEY ECONOMIC PARTNERSHIP FOR A FIVE-YEAR PERIOD

Director of Economic Development Virata presented the staff report.

In response to City Council inquiry, Joe Wallace, representing CVEP, advised that each business is continuously monitored to determine if it is ready to leave the campus; advised that CVEP is discussing partnerships with the College of the Desert.

Councilmember Holstege expressed concern that certain areas of the campus are unusable due to building maintenance issues, such as lack of air conditioning.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to:

1. Approve Amendment No. 1 to Consulting Services Agreement No. A6106 with the Coachella Valley Economic Partnership.
2. Approve Amendment No. 2 to Lease Agreement No. A6398 at 2901 E. Alejo Road, with the Coachella Valley Economic Partnership.
3. Approve funding in the amount of \$125,000 annually for five years beginning in the 2018-19 fiscal year.
4. Authorize the City Manager to execute all necessary documents.

F. DISCUSSION REGARDING PENDING STATE LEGISLATION AND LOBBYING EFFORTS WITH STATE REPRESENTATIVES AND AGENCIES IN SACRAMENTO

Councilmember Kors noted that the City Council will be in Sacramento to be honored as the first all LGBT City Council in the nation; advised that Councilmembers will meet with state representatives to discuss pending legislation; summarized the bills presented in the staff report.

Councilmember Holstege requested that the City Council consider taking positions on Assembly Bills 686, 1968, 2123, and 2256 at a future meeting.

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to take a position in support of, or opposition to, specific pending state legislation to be discussed with State Representatives and Agencies. The following is a list of the City Council's position on the selected bills:

AB 18, California Clean Water, Climate, Coastal Protection, and Outdoor Access for All Act 2018	Support
AB 1793, Cannabis Convictions: Resentencing	Support
AB 1884, Single Use Plastic Straws	Support
AB 1885, Undocumented Workers: California Resident Worker Program and Economic Stabilization Act	Support
AB 1912, Public Employees' Retirement: Joint Powers Agreement: Liability	Oppose
AB 2020, Cannabis: Local Jurisdiction Licensees: Temporary Event License	Support
AB 2215, Cannabis: Veterinarians: Animals	Support
AB 2439, LGBT Veterans Memorial	Support
AB 2490, Vital Records: Homeless Persons	Support
AB 2719, Aging	Support
SB 905, Alcoholic Beverages: Hours of Sale	Support
SB 918, Homeless Youth Act of 2018	Support
SB 930, Financial Institutions: Cannabis	Support
SB 1043, Department of Veterans Affairs: Veterans' Services	Support
SB 1294, Cannabis: State and Local Equity Programs	Support

PUBLIC COMMENT

Darrell Terrell, discussed the legacy of Robert F. Kennedy and the American Dream.

James Graff, spoke on the need for sidewalks on East Sunny Dunes Road from East Palm Canyon Road to Calle Amigos, noting that it is a pedestrian safety issue.

Brad Anderson opined that the Coachella Valley Mosquito and Vector Control District is not adequately controlling the mosquito population.

Allen Worthy, demanded that the City settle his claim against the City; called for the resignation of the Police Chief.

Sid Craig, spoke on the success of Modernism Week and the progress made by the City Council to improve the city.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT

Councilmember Middleton requested that staff evaluate the feasibility of a biennial budget; advised that the Library Subcommittee is discussing the possibility of a library with the College of the Desert at their future Palm Springs campus.

ADJOURNMENT

At 11:06 p.m., the City Council adjourned in memory of Robert F. Kennedy to the next regular meeting Wednesday, June 20, 2018, at 6:00 p.m. Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

Respectfully submitted,


Anthony J. Mejia, MMC
City Clerk